

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ OCT 27 2010 ★

-----X
ALICIA SOTO,

BROOKLYN OFFICE

Plaintiff,

MEMORANDUM AND ORDER

-against-

09-CV-457 (SLT)(RER)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.
-----X

TOWNES, United States District Judge:

On January 28, 2009, plaintiff Alicia Soto, proceeding *pro se*, commenced this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), appealing a final decision by defendant Commissioner of Social Security that held she was no longer disabled as of June 6, 2005. Defendant moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure and, by order dated April 9, 2010, this Court referred defendant's motion to Magistrate Judge Ramon E. Reyes ("Judge Reyes") for a report and recommendation ("R&R").

On October 1, 2010, Judge Reyes filed his R&R, recommending that defendant's motion be denied and that this matter be remanded for further development of the record. On that same date, Judge Reyes electronically served a copy of his R&R on defendant via ECF and ordered defendant to serve a copy of the R&R on plaintiff via certified mail. Defendant complied with that order on October 6, 2010, and, that same day, filed a copy of a Declaration of Service and the return receipt. To date, neither plaintiff nor defendant has filed any objections to the R&R or requested an extension of time in which to do so.

A district court is not required to review the factual or legal conclusions of the magistrate judge as to those portions of a report and recommendation to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 150 (1985). Even when no objections are filed, however,

many courts seek to satisfy themselves “that there is no clear error on the face of the record.”

Fed. R. Civ. P. 72(b) advisory committee note (1983 Addition); *see also Edwards v. Town of Huntington*, No. 05 Civ. 339 (NGG) (AKT), 2007 WL 2027913, at *2 (E.D.N.Y. July 11, 2007).

Although not required to do so, this Court has reviewed Judge Reyes’ R&R for clear error on the face of the record. The Court finds no clear error, and therefore adopts the R&R in its entirety as the opinion of the Court pursuant to 28 U.S.C. § 636(b)(1).

CONCLUSION

For the reasons stated above, Magistrate Judge Reyes’ Report and Recommendation dated October 1, 2010, recommending that defendant’s motion be denied and that this matter be remanded for further development of the record, is adopted in its entirety.

SO ORDERED.

SANDRA L. STOWNES
United States District Judge

Dated: October 26, 2010
Brooklyn, New York